

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

MILDRED HENDRIX,

Plaintiff,

V.

TARGET ENTERPRISE, INC. (MN) ABC  
CORPS #1-3, and JOHN DOES #1-3,

Defendants.

CIVIL ACTION NO.

Removed From Gwinnett  
State Court Civil Action File  
No.: 23EV004629

## NOTICE OF REMOVAL

COMES NOW, Target Corporation, d/b/a Target, a Minnesota Profit Company, (hereinafter "Target"), a Defendant in the above-styled action, and files this Notice of Removal. Pursuant to 28 U.S.C. §§ 1331, 1332, 1367, 1441, and 1446, the Defendant seeks to remove this action from the State Court of Fulton County, Georgia to the United States District Court for the Northern District of Georgia, Atlanta Division.

Removal is based on diversity jurisdiction pursuant to 28 U.S.C. § 1332 because Plaintiff Mildred Hendrix (“Plaintiff”) and Target have complete diversity of citizenship and the amount in controversy exceeds \$75,000.00. In support of this Notice, Target states as follows:

## **I. BACKGROUND**

1. This case was originally filed by Plaintiff in the State Court of Fulton County, Georgia on August 3, 2023 (“Complaint”). Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served on Target are attached hereto as “Exhibit A.”
2. Target received a copy of the Summons and Complaint via its registered agent, Corporation Service Company located at 289 Culver Street, Lawrenceville, GA 30046 on August 8, 2023. See Service of Process Transmittal Summary attached hereto as “Exhibit B.” Target does not waive any available defenses in this case when filing this this Notice of Removal. Furthermore, the Notice of Removal was timely filed within thirty days of receipt of the Complaint.
3. The Plaintiff brings this cause of action for a purported negligence claim related to an alleged injury occurring at a Target store located in East Point, Georgia on August 10, 2021. Plaintiff alleges that Target and its employees, in addition to ABC Corporations #1-3 and John Does #1-3, caused or contributed to a product falling on Plaintiff, ultimately causing injury. See Complaint, ¶¶ 8-12. She claims as a result of her fall to experience “severe bodily injuries; pain and suffering; expenses of medical care, diagnosis, and

treatment; aggravation of a pre-existing condition; loss of consortium; lost capacity for the enjoyment of life; lost ability to work; and other economic damages including, without limitation lost wages. See Complaint, ¶ 11.

## **II. THIS NOTICE OF REMOVAL IS TIMELY FILED IN THE PROPER VENUE**

4. This lawsuit is a civil action within the meaning of the Acts of Congress relating to removal of causes.
5. The removal of this action to this Court is timely under U.S.C. § 1446(b) because it is filed within thirty days of receipt of the Complaint by Target. See 28 U.S.C. § 1446(b)(2)(B).
6. The United States District Court for the Northern District of Georgia, Atlanta Division, is the proper place to file this Notice of Removal under 28 U.S.C. § 1441(a) because it is the federal district court that embraces the place where the original action was filed and is pending.

## **III. THIS COURT HAS DIVERSITY JURISDICTION**

### **A. Complete Diversity of Citizenship**

7. This Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332 because Plaintiff and Defendant have complete diversity of citizenship, and the amount in controversy exceeds \$75,000.00, exclusive of interests and costs. See 28 U.S.C. § 1332(a).

8. Plaintiff, Mildred Hendrix, is an individual who, upon information and belief, resides in and is domiciled in Georgia. For purposes of determining diversity jurisdiction, Plaintiff is therefore, a citizen of Georgia. 28 U.S.C. § 1332(c)(2).
9. Defendant Target is a domestic for Profit (Business) Corporation incorporated and domiciled in the State of Minnesota, with its principal place of business in Minnesota. See Minnesota Business Filing Details, attached hereto as “Exhibit C.” Target’s Statutory Agent is CT Corporation System located at 1010 Dale Street N., St. Paul, Minnesota 55117-5603. For purposes of determining diversity jurisdiction, Target is therefore, a citizen of Minnesota. 28 U.S.C. § 1332(c)(2).
10. Therefore, complete diversity of citizenship exists between Plaintiff and Target.

**B. Amount in Controversy**

11. It is clear that the amount in controversy exceeds \$75,000.00. Plaintiff made a demand to Target in the amount of \$500,000.00. See Demand dated June 21, 2022, attached hereto as “Exhibit D.” Attachments to the Demand are not being included.
12. Although Target denies that Plaintiff is entitled to recover any amount and specifically denies that Plaintiff is entitled to relief in the various forms

sought, Plaintiff's Demand establishes the amount in controversy to be more than \$75,000.00, exclusive of interest and costs. See Exhibit D, *generally*.

13. In sum, this Court has diversity jurisdiction in this action because (i) there is complete diversity of citizenship between Plaintiff and Target, and (ii) an amount in excess of the \$75,000.00 jurisdictional threshold is at issue.

#### **IV. NOTICE OF REMOVAL TO THE STATE COURT OF GWINNETT COUNTY, GEORGIA.**

14. Concurrently with this Notice, Target will file a copy of this Notice with the State Court of Fulton County, Georgia, where this action is currently pending, and will provide Plaintiff with written notice of the filing of this Notice of Removal as required by 28 U.S.C. § 1446(d).
15. All fees required by law in connection with this Notice of Removal have been paid by Defendant Target.
16. All the other requirements for removal and for federal court jurisdiction have been satisfied.
17. By filing this Notice of Removal and the associated attachments, Defendant Target does not waive any objections they may have as to service, jurisdiction, or venue, or any other claims, defenses, or objections that are or may be available to them in this action. Furthermore, Defendant Target intends no admission of fact, law, or liability by this Notice, and they expressly reserve

all defenses, motions, and/or pleas.

**V. CONCLUSION**

WHEREFORE, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Target hereby removes this action from the State Court of Fulton County, Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division.

This 7<sup>th</sup> day of September, 2023.

Respectfully submitted,

HUFF, POWELL & BAILEY, LLC

/s/ Brian K. Mathis

BRIAN K. MATHIS

Georgia Bar No.: 477026

*Counsel for Defendant Target  
Enterprise, Inc. (Improperly Named  
Defendant)*

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**CERTIFICATE OF COMPLIANCE**

Pursuant to Local Rules 5.1(B) and 7.1(D), I hereby certify that the foregoing filing complies with the applicable font and size requirements and is formatted in Times New Roman, 14-point font.

HUFF, POWELL & BAILEY, LLC

/s/ Brian K. Mathis

BRIAN K. MATHIS

Georgia Bar No.: 477026

*Counsel for Defendant Target  
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**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a true and correct copy the NOTICE OF REMOVAL upon all parties or their counsel of record via CM/ECF's Electronic Case Filing System and by Statutory Electronic Service, addressed as follows to assure delivery to:

Michael A. Johnson  
MORGAN & MORGAN  
PO BOX 57007  
Atlanta, Georgia 30343-1007  
[majohnson@forthepeople.com](mailto:majohnson@forthepeople.com)

*Counsel for Plaintiff*

This 7<sup>th</sup> day of September, 2023.

HUFF, POWELL & BAILEY, LLC

/s/ Brian K. Mathis

BRIAN K. MATHIS

Georgia Bar No.: 477026

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